

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

BRIAN WESLEY KOLLIN

CRIMINAL ACTION NO. 03-00185-WS

ORDER

The final judgment of this court was affirmed by the Court of Appeals by mandate issued November 29, 2004. On April 18, 2005, defendant Kollin filed two motions in this closed action, one seeking leave to proceed *in forma pauperis*, and the other seeking a free copy of his trial transcript for use in formulating a possible habeas petition. There is no pending action in which defendant could be granted IFP status. The defendant is also not entitled as a matter of right to a free transcript of the trial, particularly where he seeks it for purposes of combing it for grounds for a potential habeas challenge, where he has not filed a habeas action and is thus not a party, and where there is no basis for the court to determine either his need for the transcript or the merit of his claims. See *U. S. v. MacCollom*, 426 U.S. 317 (1976); *U.S. v. Alaga*, 99 F.3d 400 (2nd Cir. 1995).

Accordingly, it is hereby **ORDERED** that defendant's Motions for Leave to Proceed In Forma Pauperis and for Transcript at Government Expense are **DENIED**.

DONE this the 20th day of April, 2005.

s/CHARLES R. BUTLER, JR.
SENIOR DISTRICT JUDGE